

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
ROBERT KABAKOFF,

Plaintiff,

-against-

THE CITY OF NEW YORK, N.Y.C. POLICE OFFICER  
JAMES CULLEN, SHIELD # 11227, SUED  
INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY,

STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISMISSAL

08-CV-1133 (BSJ)

Defendants.

----- X

**WHEREAS**, plaintiff commenced this action by filing a complaint on or about February 4, 2008, alleging violations of his federal and state rights; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, the parties now desire to resolve the remaining issues raised in this litigation, without further proceedings and without admitting any fault or liability;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. Defendant City of New York hereby agrees to pay plaintiff Robert Kabakoff, Eight Thousand Dollars (\$8,000.00) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff

agrees to dismissal of all the claims against defendants, and to release defendants James Cullen<sup>1</sup> and City of New York and any present or former employees or agents of the City of New York or any agency thereof, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to the defendants' attorney all documents necessary to effect this settlement, including, without limitation, General Releases based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York of the New York City Police Department.

---

<sup>1</sup> Being sued herein as "N.Y.C. POLICE OFFICERS JAMES CULLEN, SHIELD # 11227."

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York

March       , 2008

*Apri 3, 2008*

LAW OFFICE OF STEVEN HOFFNER  
*Attorney for plaintiff*  
350 Broadway, Suite 1105  
New York, NY 10013  
(212) 941-8330

By:

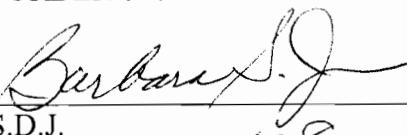
  
Steven A. Hoffner (SH-0585)

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
*Attorney for Defendants*  
100 Church Street, 3-193  
New York, New York 10007  
(212) 788-1816

By:

  
GABRIEL HARVIS (GH2772)  
Assistant Corporation Counsel

SO ORDERED:

  
U.S.D.J.  
5/5/08